

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
and THE STATE OF MICHIGAN,

Civil Case No. 19-12165

Plaintiffs,

Honorable Arthur J. Tarnow  
Mag. Judge R. Steven Whalen

*ex rel.* MICHAEL ANGELO,

Plaintiff/Relator,

**FILED UNDER SEAL**

vs.

STATE FARM MUTUAL  
AUTOMOBILE INSURANCE  
COMPANY,

Defendant.

\_\_\_\_\_ /

**THE GOVERNMENTS' NOTICE OF ELECTION TO  
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and Michigan's Medicaid False Claim Act, M.C.L. 400.610a(3)(b), the United States and the State of Michigan (hereinafter "the Governments") notify the Court of their decision not to intervene in this action.

Although the United States declines to intervene, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the

“action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Additionally, M.C.L. 400.610a(1) permits the relator to maintain this action in the name of the State of Michigan; providing, however, that the action may be dismissed only if the Attorney General for the State of Michigan is notified and given an opportunity to oppose the dismissal.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to its counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator’s action or claim. The United States also requests that it be served with all notices of appeal.

Likewise, the Attorney General for the State of Michigan, pursuant to M.C.L. 400.610a(6), requests that her office be served with copies of all pleadings and court orders filed in this action. The Attorney General also requests that her office be served with all notices of appeal.

Finally, the Governments request that the relator's Complaint, this Notice, and the accompanying proposed Order be unsealed. The Governments request that all other papers on file in this action remain under seal because in discussing the content and extent of the investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Date: 3/9/2021

Respectfully submitted,

SAIMA S. MOHSIN  
Acting United States Attorney

/s/John Postulka  
JOHN POSTULKA (P71881)  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, Michigan 48226  
(313) 226-9118  
[john.postulka2@usdoj.gov](mailto:john.postulka2@usdoj.gov)

Dated: 3/9/2021

DANA NESSEL  
Michigan Attorney General

/s/Jason Evans  
JASON EVANS (P61567)  
Assistant Attorney General  
525 W. Ottawa Street  
Lansing, Michigan 48909  
(517) 241-6500  
[EvansJ@michigan.gov](mailto:EvansJ@michigan.gov)